

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

LINDA HOLMES

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-cv-285-NBB-JMV

WALMART STORES, INC.

DEFENDANT

ORDER GRANTING UNOPPOSED MOTION TO REMAND

This cause comes before the court upon Plaintiff's motion to remand. Plaintiff Linda Holmes filed this premises liability action against defendant, Walmart Stores, Inc.,¹ ("Walmart") in the Circuit Court of Union County, Mississippi, on November 8, 2019, after she allegedly slipped and fell in a puddle of water on Defendant's premises and suffered injuries. Defendant removed the case to this court on December 18, 2019, invoking the court's diversity of citizenship jurisdiction under 28 U.S.C. § 1332.

Though Plaintiff originally sought \$100,000.00 in damages, upon Defendant's removal, she filed the present motion to remand and attached an affidavit and binding stipulation that she seeks less than \$75,000.00 against Defendant and will agree to a remittitur if the court or jury awards damages in excess of that amount. Defendant Walmart accepts said stipulation and does not object to the motion to remand.

Accordingly, it is **ORDERED** that Plaintiff's motion to remand is **GRANTED**, and this case is hereby remanded to the Circuit Court of Union County, Mississippi.

This 25th day of June, 2020.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE

¹ Defendant asserts that Walmart Stores, Inc., is an improper party and that Walmart Stores East, LP, is the proper entity.